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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,779	03/23/2004	John Gerard Speare	MS#304047.01 (5226)	2381
38779	7590	04/21/2006	EXAMINER	
SENNIGER POWERS (MSFT)			VO, TED T	
ONE METROPOLITAN SQUARE, 16TH FLOOR			ART UNIT	
ST. LOUIS, MO 63102			PAPER NUMBER	
			2191	
DATE MAILED: 04/21/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/806,779

Applicant(s)

SPEARE ET AL.

Examiner

Ted T. Vo

Art Unit

2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment filed on 01/13/2006 entered by the RCE filed on 01/14/06.

Claims are amended: 1-27.

Claims 1-27 are pending in the application.

Response to Amendment

2. The newly added limitations have been examined.

The term "pre-licensing" in the context of the claims has been read or meant as "obtaining a use license on behalf of a user". This context is clearly inserted in the claims but used nowhere. It should be noted that the claiming scope as a whole is the determination of exceeding rights management protection and the content replacement of an electronic document upon an expiration. The SealedMedia also does the same and the Applicants' argument fails to point out differences. It should be also noted that an element used in a claim should be impart functionality and used in order to functionalize in the claim; otherwise, it would be redundant and unnecessary. The limitation, "obtaining a use license on behalf of a user" fails to incorporate elsewhere in the Claims.

On the other hand, according to the specification, it describes, "pre-licensing":

Pre-licensing is a method where rather than requiring the message recipient to submit a user certificate and request for a use license to the rights management server, the message transfer agent is able to obtain a use license on behalf of the message recipient. Accordingly, the message recipient can access the use license from the message transfer agent and decrypt protected content without having to request the use license from the rights management server.

The reference clearly has an ability to do the same:

The Unsealer. When the user attempts to access sealed content, the Unsealer prompts the user to identify itself to SealedMedia. The Unsealer attempts to retrieve a license from the user's account on the server (or a local license cache). If an appropriate license has been issued to the user by the publisher, it is retrieved and the content is decrypted and rendered in a secure environment. (see p. 5:Overview)

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1-27 are rejected under 35 U.S.C. 102(b) as being anticipated by SealedMedia, "Software Developer's Kit", 2002.

Given the broadest reasonable interpretation of followed claims in light of the specification.

As per Claim 1: Regarding claimed limitation:

A computerized method for updating content in an electronic document, wherein the updating relies on the existence of a persisted policy scheme, the computerized method comprising:

accepting the electronic document;

identifying one or more rights management protections associated with electronic document, said rights management protections being defined by persisted policy scheme;

pre-licensing the accepted electronic document by obtaining a use license on behalf of a user, said use license being defined by the persisted policy scheme (see p. 5: Overview (and the Figure 1) provides means for obtaining a use license on behalf of a user);

determining whether the electronic document has exceeded the rights management protections;
and

If the electronic document has exceeded the rights management protections, replace a portion of the content of the electronic document with an indicating piece of data such that the content of the electronic document is modified (See p. 9) "

Figure 2 (p. 8) of SealedMedia shows content sets/categories/electronic documents which are available to a user (valid license) during the time of license under rights management protections defined

Art Unit: 2191

by a persisted policy scheme. The user is connected to available documents, e.g. via URLs. If time of license expired, a default URL (See p. 10, second square) would be replaced, or the user sees the item "Not specified" or the item listed under the article name (See p. 8. Figure 2; see p.9-10, Configuring content sets; see p. 11-12, Configuring license templates; see p. 14-15: Validity and expiry). In a similar manner, see p.10, see "The Metadata ...", it describes when a license is expired, i.e. invalid license, the Unsealer displays a status describing why the content cannot be rendered, with a link to the Default URL

The metadata is used by the Unsealer to identify the content and to request appropriate licenses. If no valid license is available, the Unsealer displays a status page describing why the content cannot be rendered, with a link to the Default URL. It is also possible to instruct the Unsealer to render the Default URL within the browser directly, giving you a more close control over the user experience. Once a license has been obtained, the metadata is also used to determine ongoing license validity, e.g. license expiration may be relative to the publication time sealed in with the content.

And, Figure 1 shows in the page provides obtaining a use license on behalf of a user.

As per Claim 2: SealedMedia disclose the claimed limitation because it includes email scheme (See p.31: Email gateway).

As per Claim 3: SealedMedia disclose the claimed limitation because it discusses time-based licensing manner (See p.12).

As per Claim 4: SealedMedia disclose the claimed limitation because the appearance of unavailable contents/documents is in ad-hoc manner (e.g. see Figure 2).

As per Claims 5, 10, 15, 19, 23, 27: The Claims have the same functionality as recited in Claim 1. The Claims are rejected in the same reason set forth in Claim 1.

As per Claims 6-9: The Claims have the same functionality as recited in Claims 1-4. The Claims are rejected in the same reasons set forth in Claims 1-4.

As per Claims 11-14: The Claims have the same functionality as recited in Claims 1-4. The Claims are rejected in the same reasons set forth in Claims 1-4.

As per Claims 16-18: The Claims have the same functionality as recited in Claims 1, 3-4. The Claims are rejected in the same reasons set forth in Claims 1, 3-4.

Art Unit: 2191

As per Claims 20-22: The Claims have the same functionality as recited in Claims 1, 3-4. The Claims are rejected in the same reasons set forth in Claims 1, 3-4.

As per Claims 24-26: The Claims have the same functionality as recited in Claims 1, 3-4. The Claims are rejected in the same reasons set forth in Claims 1, 3-4.

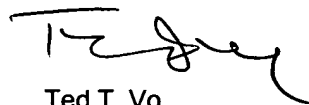
Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen can be reached on (571) 272-3708.

The facsimile number for the organization where this application or proceeding is assigned is the Central Facsimile number **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ted T. Vo
Primary Examiner
Art Unit 2191
April 14, 2005